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who had to pay no duty, had to undergo only a less expense. That, he said, was the real grievance of the export traders of Alleppey. He pointed out that, in the ports of Cochin, Calicut, Cannanore, Tellicherry, Malpi, Mangalore, Columbo and Tuticorin, it was the practice to order the removal of such goods immediately they were landed. A similar arrangement, if made here, would be advantageous to the merchants concerned, because the delay and the difficulty in getting their bags of paddy and rice sorted, weighed and delivered to them would be reduced. The Member therefore prayed that the same practice be adopted in the port of Alleppey also.

Dewan's reply.—The Excise Commissioner will be asked to report on the subject.

III.—Protection.

(1) Legislation.

29. The need for increasing the strength and enhancing the powers of the Legislative Council.

Mr. K. Parameswaren Pillai, B. A. & B. L. (Member, Quilon taluk) observed that the Travancore Legislative Council was constituted by Regulation II of 1063, and that, since then, the constitution was revised only once, by Regulation V of 1073. The amending Regulation merely raised the minimum number of Members from 5 to 8 and the maximum from 8 to 15. The proportion of non-official Members was fixed at a minimum of two-fifths of the whole strength. Under both the Regulations, the non-official Members had to be nominated by the Government. But Section 5 of the amending Regulation provided for rules being issued by the Dewan, under which all or any of the non-official Members might be *elected*, subject to the prerogative of the Crown to decline to nominate the person elected under the rules. Those changes, the Member said, did not effect any material alterations in the constitution of the Council nor did they enhance its powers. Although the Popular Assembly now practically elected the non-official Members, it was by a temporary delegation to them of the power vested in the Dewan under Section 5 of the Regulation, the right of election being not yet recognised by the Regulation itself.

Since the passing of the Regulations here, changes of extreme importance had taken place in the corresponding institutions in British India and the various Native States. The principle of election had been recognised in British India, and all Provincial Councils had been enlarged with a non-official majority, with facilities "for associating the people in the work not only of occasional legislation, but of actual every-day administration" by investing the Councils with the power of moving resolutions and asking questions on administrative matters. The Gaekwar of Baroda had created a Council with a non-official majority and with certain rights and privileges which were not enjoyed by the Council here. The Nizam of Hyderabad made the official and non-official Members equal in number, tentatively for six years. The Maha Raja of Bikaneer created a Representative Assembly of between 20 and 30 Members with an official majority, with power to discuss the Budget, to pass resolutions on administrative questions, to introduce private Bills and to interpellate the Government on administrative matters.

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fact, the powers of that Assembly were similar to those of the Imperial Legislative Council. The Raja of Cochin had promised the subjects of the State as a *Shashtipoorthi* boon some measure of constitutional reform "to secure the representative opinion and criticism of the public in all important matters of the State", which "will prove a blessing" to the people. In point of education, general intelligence, capacity to take advantage of popular institutions and in public spirit, the people of Travancore were not, the Member ventured to submit, in any way behind the people of British India or any other Native State. He then compared, favourably to Travancore, the percentages of literate males and females among the various provinces and the Native States of India. On the merits of the above comparison, the Member thanked the Government for their steady and generous educational policy. He added that the increase in the number of newspapers in the State (from 20 in 1901 to 45 in 1911) might be taken "as showing the literary appetite of the population of the State, their capacity for responding to it" and also "as evidence of the extent to which the people have benefited by the advancement of education, of the increasing interest they take in public matters and the desire to acquire general information." He therefore concluded that it could in no way be argued that the people were not fit to receive the constitutional privileges he asked for. If further testimony were wanted, successive Dewans, including the present Dewan, had borne ample testimony to the fact that the people were in every way fit. The Member pointed out that it was, in the interests of the Government also, that the privileges asked for should be given to the people. At present, the people were not taken into the confidence of the Government, and that led to mistakes and misconceptions. It was therefore not only necessary that the Government should be in the right in all matters connected with the administration, but they should also impress upon the people the justice of their position, and to achieve that object, no better method could be devised than an open discussion of administrative matters in the Legislative Council with the representatives of the people. In its present condition, and the way in which business was being conducted, the Popular Assembly could certainly not satisfy the purpose in view.

The Member therefore proposed that the Legislative Council be re-modelled, so as to consist of 21 Members, 10 official and 11 non-official, 9 of the latter being elected. Of the 9 elected Members, he said that there should be one Member for each of the five Revenue Divisions, one to represent the Planting interests, one for the Commercial and Trading Classes, one for the Land-holders and Jenmies, and one for the Town Improvement Committees. Two Members should be nominated by the Government to represent the interests of those not represented otherwise. Of the four sessions of the Council, one should be devoted to the discussion of the annual Budget before it was finally adopted and important administrative questions that might be placed before the Council by the Government. He also requested that the right of interpellating the Government upon important administrative questions might be conferred upon the Members.

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Dewan.—How would you overcome the difficulty about the representation of classes in the Legislative Council?

Member.—The classes must represent particular interests, agricultural, commercial or the like. I agree that, in some cases, there might be difficulty. For instance, when the Christian Succession Bill is taken up in the Council, it may be found necessary to have a Christian Member in the Council. It is for such contingencies that I have provided two nominations by the Government.

Dewan.—Independently of the contingency you mention, would you not consider it necessary that there should always be a *Christian* Member in the Council?

Member.—The principle of representing classes is not quite proper.

Dewan.—I take it that, of the eleven non-official Members one should represent the land-holders and the Jenmies. In the present condition of the Jenmies and the tenants, is a Jenmi likely to be voted for?

Member.—If the electorate does not return a Jenmi, the Government may put in a Jenmi Member.

Dewan.—What about the Ealavas and the Christians?

Member.—By virtue of their belonging to a particular class, I do not propose that they should be given seats in the Council.

Dewan.—When you propose a non-official majority, you contemplate that the Government should be divested of the whole work and responsibility of legislation? In British India, as you know, in the Imperial Legislative Council, they have not given up the official majority. In the Provincial Councils however, there is a non-official majority. The reason appears to be that, in regard to all legislative measures passed by the Councils, the Governor-General in Council has the power of vetoing any of them, and in cases where there is a difficulty in getting through any measure in the Provincial Council, they can pass it with the working majority they have in the Imperial Council.

Member.—The prerogative of the Crown will be quite sufficient here. His Highness the Maha Raja has got the inherent right to object to or pass any piece of legislation and that power may be used on such occasions.

Dewan.—Would it be desirable to exercise the prerogative in that way, when a measure is passed or objected to by the Council? Would it not tend to accentuate the difference between the Sovereign and his people?

Member.—I contemplate that such a contingency will, if at all, arise very rarely.

Mr. C. Raman Tampi, B. A. & B. L. (Member, T. Quilon) said that he was at one with Mr. Parameswa

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Pillai in the proposals made by him for the expansion of the Legislative Council and that he had nothing more to add on the subject.

Dewan.—Do you agree with him in regard to the representation of the Christians and the Ealavas?

Member.—I take it that, by framing the rules suitably, it could be made possible for the Christians also to come in as Members on the electoral basis. At present, the non-official Members are elected by the Members of the Popular Assembly who pay an annual tax of Rs. 50 each. If we divide the total land revenue among the total population, we find that the Christians and other communities do not approach the Nair land-owning community in the matter of payment of tax. It is, therefore, likely that they suffer in the general arrangement. In framing the rules, however, some provision may be made in areas where the Christian population is large, by which the qualifications of voters may be adjusted.

Dewan.—How can it be adjusted like that ?

Member.—In those cases, the qualifications of the voters may be a little differentiated.

Dewan.—Do you then contemplate lowering the qualifications in the case of the backward classes ?

Member.—I think so under the present conditions.

Dewan.—If, in the case of a Nair voter, the payment of a land tax of Rs. 50 per annum be fixed as the minimum qualification, would you put it at something like Rs. 25 in the case of a Christian, Rs. 10 for an Ealava, Rs. 5 for a Mahomedan and Re. 1 for a Pulaya ?

Member.—For the Pulayas and other similar communities, it is not easy to frame rules.

Dewan.—At present, should not the Christians and the Ealavas at least come in for consideration ?

Member.—For a long time to come, it will not be possible, I think, for an Ealava to be returned as a Member. Payment of a certain amount of tax should not be the only consideration in such cases. The educational status of the community has not sufficiently advanced, and under the present conditions, the community itself may, perhaps, find it difficult to secure a proper candidate for the Membership in the Legislative Council.

Dewan.—Have we not several Ealava Members in this Assembly?

Member.—I don't mean to say that they are not qualified. What I meant was that, for some years to come, there may be difficulty in finding proper men. There are, I know, several rich families in the community in the Karunagappalli, Kartikappalli and Mavelikara taluks.

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Dewan.—In the year before the last, no one from the Ealava community was returned as a Member to the Assembly and the only Member who came in was the one nominated by the Government. Last year, both the Christians and the Ealavas memorialised the Government and wanted to have some guarantee that a certain number of their community would be put into the Assembly every year; and the Government had to pledge themselves to nominate not less than six Christians and six Ealavas every year to the Assembly. Do you not contemplate a similar difficulty in the Council under the regular electoral system?

Member.—As far as possible, we must follow the electoral system, and, where it is not feasible, we might provide the necessary safeguards. What those safeguards should be are matters of detail. I would propose that a Committee of officials and non-officials may be appointed to enquire into and report on the best way of reforming the Council.

Dewan.—Mr. Parameswaren Pillai was of the view that he would not recognise a Christian or an Ealava simply because he is a Christian or an Ealava. Would you go so far?

Member.—I would modify that view under the present conditions. Sufficient opportunities must be given to the other communities to cope with the more advanced ones. Otherwise, there may be bitterness. When privileges are conferred upon the people, their sentiments also have to be respected.

Dewan.—Since the formation of the Assembly, how many nominations to the Legislative Council have been made by the Assembly?

Member.—Five, I think, excluding the present year's nomination. All those nominations, except one, were from one particular community.

Dewan.—Do you attribute that to the circumstance that the Member is elected by the Assembly?

Member.—That is what I think about it.

Mr. P. Padmanabhan Tampi (Member, T. I. Council, Padmanabhapuram) said that the people of Travancore were grateful to the Government for having granted them a Legislative Council so far back as the year 1063, before they asked for one, long before they were in a position to ask for one, and when the sister Native States had none. During the period of 25 years that followed, the Legislative Council had not undergone any *material* alteration in point of its strength and powers. There were three non-official Members in the Council in 1063, when the population of the State was about 24 lakhs. But the same number had increased only by one, excluding the representative of the Planters, in 1088, when the population was over 34 lakhs. The strength of the various Legislative Councils of British India had more than trebled itself in recent years, varying from 30 to 60 members. Some of those Councils whose strength was, at one time, smaller than that of the Council here, now contained as many as 30 Members. He was

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therefore of opinion that it was high time that the strength of the Council here was also increased.

He then observed that, of the non-official Members in the Council here, more than 85 per cent belonged to the professional classes, though the latter constituted only 2 per cent of the total population. There was at present no provision for the representation of the land-holders and the agriculturists who formed the bulk of the population. He pointed out with facts and figures that those classes were fairly represented in all the Councils of British India. He therefore emphasised the necessity of adequately representing the agricultural classes in the Council.

He next dwelt at some length on the advantages of class representation and suggested that the Mahomedans, Christians and Ealavas should have their representatives in the Council, under special arrangements, as they were not likely to be represented under the ordinary rules.

In view to promote the abovesaid objects, the Member said that the Legislative Council should be expanded and its strength fixed at 27. The number of official Members should not exceed 12, excluding the President. The remaining 14 non-official seats he distributed as follows: *viz.*, *four* Members, one from each division, elected by the people under the present electoral system, *i. e.*, by the Assembly; *four* Members, one from each division, elected by the land-holders and agriculturists under a special electorate (two to be Jenmies and two agriculturists); *one* Member for the European Planters; *one* from the Christian community; *one* from the Mahomedan community; *one* from the Ealava community; *one* from the Commercial classes; and *one* from the Town Improvement Committees.

He argued that the non-official majority was a privilege already extended to the Councils of British India. The Travancore Council Regulation provided that *not less than two-fifths* of the total strength should be non-officials. It did not fix the maximum, which was therefore unrestricted and might be even more than one-half. The efficient administration of all the Town Improvement Committees of the State, with a non-official majority, was ample evidence to show that a non-official majority in the Legislative Council also would be workable. The official Members in the Council often exceeded their interests and took the pleasure of opposition to the non-official views. That long-standing practice in the Council disheartened every non-official Member and the latter was therefore often content with the honor of his Membership and took no active part in the Council. To it also had to be attributed the fact that very few measures of public utility had been brought forward and pushed through the Council by the non-official Members. If, for any reasons, a non-official majority could not be allowed at the very outset, he suggested that the official and non-official strength might be made equal. The President would, of course, have a casting vote, and that would be sufficient to turn the scale in the case of any Government measure.

The Member next proposed that the powers and functions of the Council should be enhanced, and the right of interpellating

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the Government on administrative questions, discussing the annual Budget before it was passed, and moving resolutions, should be conferred on the non-official Members. Those were privileges which the Councils of British India had been exercising for the past 21 years. The reform proposed would help to bring the rulers and the ruled nearer to each other and minimise the chances of misunderstanding the actions of the Government in so many directions. He added that the right of interpellation was one that was prayed for in the second session of the Assembly, but the then Dewan, Mr. V. P. Madhava Rao, pointed out that the Popular Assembly, which was more representative in its character, had the privilege already and could more advantageously use it than the Legislative Council. But the Member thought that the Assembly as constituted at present afforded very little scope to exercise the right conveniently. The people of Travancore were ripe for the privileges referred to being bestowed upon them. They were, in the opinion of the Member, even ahead of their brethren in British India and the sister States in point of education, general intelligence, public spirit, patriotism, and, above all, loyalty to their Sovereign. He also prayed that the right of electing the non-official Members of the Council now exercised by the Popular Assembly should be made statutory.

He requested that the whole subject might receive the kind and sympathetic consideration of the Government.

Mr. S. N. Krishna Iyer, B. A. & B. L. (Member, T. I. C., Trivandrum) observed that the Legislative Council was constituted by Regulation II of 1063. Under it, the Council was to consist of a President, and other Members not less than five and not more than eight. At least two of the Members were to be non-officials. Under the amending Regulation, V of 1073, the minimum and the maximum fixed by Regulation II of 1063 were raised to eight and fifteen respectively and the number of non-official Members was fixed at a minimum of two-fifths of the whole strength. The power of making rules for the election of non-official Members was thereby vested in the Government. No change was afterwards introduced into the Regulation. The present strength of the Council was 11, consisting of 6 official and 5 non-official Members.

The demand for the election of non-official Members by the Popular Assembly was made for the first time at the second session, and it was simply noted. The subject was again moved in the third session and the answer elicited was that the matter would be considered when rules were framed for the election of non-official Members. Again, a demand, made at the fourth session, for election by the organised representative institutions in the State was simply noted. Between the fifth and the sixth sessions, two vacancies in the Council were filled up by election by the Members of the Assembly, and that policy had since been followed. In the meantime, the Jenmies came forward and stated that they were the owners of the bulk of the landed property in the State and requested in successive sessions that they might be allowed to be represented in the Council as in British India. The Christian Members, at the last session, submitted a

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memorial and prayed for separate representation for their community. They said th t, of the five elections by the Assembly, all but one had resulted in the election of Members from a single community. The Member said that no rules had been framed under Section 5 of the Regulation for the election of Members, and that, year after year, the Government had been granting the right of election to the Assembly Members of the respective divisions by a separate declaration contained in the Dewan's Address. While thanking the Government for such a privilege granted to the Assembly, as a first step, he said that it was time to consider how far the object aimed at was attained by such a step. The existing method of election, in his opinion, did not work well and meet the requirements of the situation. The memorials of the Jenmies and the Christians also went to substantiate his opinion.

Coming next to the reform necessary, the Member proposed that the number of Members of the Council should be raised to the maximum sanctioned by the Regulation, *viz.*, 15. To secure an official majority, if that was deemed necessary, he said that 8 seats might be reserved for officials. Of the remaining 7 seats, *two* might be filled up by the Government by nomination to represent the minorities, and *two* to represent all the five Revenue Divisions, to be elected by the Assembly Members, one from the northern half and one from the southern half of the State. The Member thought that not much was gained by divisional representation. *One* Member might be elected from the Jenmies of the State, the Jenmies under the Royal Proclamation of 1042 forming a separate electorate for the purpose. Under the ordinary rules, there was no chance of the Jenmies being returned in the near future. Of the remaining two Members, *one* should be from the Christians and *one* from the Town Improvement Committees. The Member said that, under the existing conditions, there should not be much difficulty in carrying out the proposals submitted by him.

Mr. Thrivikramar Vasudevar (Member, Jenmi, Trivandrum and Padmanabhapuram Divisions) said that the Malayala Brahmin Jenmies were the owners of a comparatively large portion of the landed property and that they held an important position among the subjects of the State. The Royal Proclamation of 1042 had deprived them of their absolute rights over their jenmom lands and converted the holders thereof, who were mere tenants-at-will, into practical proprietors of the same. The Proclamation was subsequently confirmed by the Jenmi and Kudiyan Regulation, V of 1071. The grievances of the Jenmies could not adequately be redressed unless they were allowed a Member in the Legislative Council to represent their interests. Similar privileges had been extended to the Jenmies in the Madras Presidency. The Member therefore prayed that a Jenmi Member be nominated to the Legislative Council.

Mr. Shaik Mahomed Hamidani Thangal (Member, Nominated) thanked the Government for the concessions granted to the Mahomedans in the matter of their education. He observed that the Mahomedans in Travancore now numbered 2,26,617 souls, very backward in education and refinement. They were enjoying special privileges in Travancore in former

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days, and if similar concessions were not granted to them now, they had no chance of ameliorating their condition. The Member said that Mahomedan Members were nominated to the various British Indian Legislative Councils without special reference to their English education and he prayed that a Mahomedan Member be nominated to the Travancore Legislative Council also.

Dewan's reply.—Noted.

30. The necessity for enacting an Insolvency Law for Travancore.

Mr. K. Parameswaren Pillai, B. A. & B. L. (Member, Trivandrum taluk) observed that the desirability of having an Insolvency Law to meet the needs of an ever-advancing country was self-evident without much argument in favour of it. All the civilised countries had such a law. Recent events in Travancore had made the people feel the absence of it badly. In Makaram 1087, two local Hundi Firms, having extensive transactions, collapsed suddenly and almost together. One suspended payment on the 11th and the other about the 12th of Makaram 1087. The results caused thereby were deplorable. The creditors were at a loss to know what to do. Such of them as had money rushed to the Courts and filed suits. Others either had no money or were reluctant to send good money after bad. Such coercive steps as warrants and attachments before judgment were also tried. In the meantime the insolvents themselves fled from the country. Their account books were suppressed. Without such books there was no means of finding what their outstandings were. The law, as it now stood, held out neither fear nor favour to induce them to co-operate. The debtors were also enabled to take advantage of the situation and they took acknowledgments of their debts for nominal sums from the insolvents. The machinery of both the Civil and Criminal Courts were set in motion but it was of no effect in the existing state of the law. An application in the nature of an insolvency petition was made to the District Judge of Trivandrum to sequester the effects of the insolvents and to appoint a receiver. Although the District Judge held that he had jurisdiction to entertain such a petition, the High Court negatived it and ruled that there was no provision in the existing law to meet the situation [28 T., L. R. 87].

The Member, therefore, pressed upon the attention of the Government that the time had come for passing a Regulation on the lines of the Provincial Insolvency Act of Madras (III of 1907). He further prayed that, in view of the continuance of the critical situation created by the failures of the Hundi Firms referred to, a Regulation be passed immediately by an Act of Proclamation with retrospective effect.

He also presented a petition signed by the leading lawyers and merchants of the town, requesting early legislative action in the matter.

Dewan's reply.—I agree as to the need for an Insolvency Regulation in the State. Action will be taken soon.

31. The need for legislation to protect the properties of the Christian churches.

Mr. L. H. Netto (Member, Nominated) observed that the Christian churches in Travancore, with very few exceptions, were built and endowed by indigenous Christians who were the subjects of His Highness the Maha Raja and that he

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